

Teri Rennia, City Council President Angela Holmes, City Clerk

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#### **MINUTES**

Binghamton City Council & Planning Commission Joint Session Broome County Public Library, 185 Court Street, Binghamton, NY Wednesday May 14, 2014

**Call to Order.** A Joint Session of Binghamton City Council and the Planning Commission was called to order at 5:03pm by Councilwoman Lea Webb, Chair of the City Council Planning and Community Development Committee.

**Present:** Bill Berg, Councilman (arrived at 6:19pm); Mark Bowers, Commission Member; Nicholas Corcoran, Commission Member; Domenic Emilio, Commission Member; Joseph Mihalko, Councilman; Jerry Motsavage, Councilman; Michelle O'Loughlin, Commission Member; Chris Papastrat, Councilman; Teri Rennia, Council President; Zachary Staff, Commission Member; Lea Webb, Councilwoman

**Absent:** Juliet Berling, Commission Member; John Chanecka, Commission Member; John Matzo, Councilman; Robert Pompi, Commission Member

Also Present: Nick Cecconi, Mobile Management of South Central NY; Carole Coppens, YWCA; Thomas Costello, Supervisor of Building Construction, Zoning & Code Enforcement; Edward Crumb, Binghamton-Johnson City Joint Sewage Board Member; Jim Cummings, Shumaker Consulting Engineers & Land Surveying, D. P.C.; Richard C. David, Mayor; Melissa Enoch, Sustainable Development Planner; Kenneth J. Frank, Corporation Counsel; Fiske Hanson, South Side Neighborhood Assembly; Debra Hogan, Neighbors Against Crime; Angela Holmes, City Clerk; Gary Holmes, Commissioner of Public Works; Jared Kraham, Executive Assistant to the Mayor; H. Peter L'Orange, Historical Preservation Planner; Marion Martinez, Superintendent of Schools; Tito Martinez, Planner; Leigh McCullen, Senior Planner; Robert Murphy, Director of Economic Development; Cyndi Paddick, Broome Metropolitan Transportation Study; Scott Page, Interface Studio; Nick Plavac; Scott Reigle, Broome Metropolitan Transportation Study; Betty Ryan, South Side Neighborhood Assembly; Colin Scarft, Code Studio; Jennie Skeadas-Sherry, Director of Planning, Housing and Community Development; Jennifer Taylor, Grants Administrator; Mindy Watts, Interface Studio

### **ITEMS CONSIDERED**

**Introduction.** Councilwoman Webb introduced City Council and the Planning Commission and gave a brief history of the development of the City of Binghamton's Comprehensive Plan and the Main/Court Street Corridor Form-Based Code, an initiative collectively referred to as *Blueprint Binghamton: Forward Together*. She introduced Scott Page and Mindy Watts from Interface Studio, Colin Scarft from Code Studio, and Jim Cummings from Shumaker Consulting Engineers & Land Surveying, D. P. C. (collectively "the consultants").

**Public Comment.** Councilwoman Webb noted that public comment may be submitted in writing to Melissa Enoch, Sustainable Development Planner. In addition, the City would hold a second public hearing on Wednesday June 18, 2014 at 6:30pm in the City Council Chambers, during a regularly scheduled City Council Business Meeting.

**Process for Decision-Making.** Kenneth J. Frank noted for the record that the purpose of the Joint Session held on Monday May 12, 2014 and on this evening is for City Council and the Mayor to come to a consensus on those issues identified within the proposed Comprehensive Plan, so that a final version may be drafted. This final version will be submitted to Broome County for a § 239-m review. Council and the Mayor will use a "straw poll" voting method, as was done on Monday May 12, 2014, to determine the general support or lack thereof for any recommendations discussed this evening. Mr. Frank noted that the Main/Court Street Corridor Form-Based Code would be handled differently, and



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would be addressed later in the meeting. In addition, Mr. Frank noted that the City of Binghamton accepted a grant to create a Comprehensive Plan. Accepting these grant funds meant accepting an obligation to create a certain deliverable, the Comprehensive Plan. If there is no consensus, and a Comprehensive Plan is not adopted, Mr. Frank stated that he suspected the City would be violating the terms of the grant agreement.

**Chapter D, "Infrastructure".** The consultants outlined all recommendations within Chapter D which had been identified as items requiring review at a Joint Session. A summary of the original comments/questions from City Council, the Mayor, the Planning Commission and Broome County are noted below, along with a summary of the discussion and the straw poll voting record, noting whether or not the recommendation is to be included in or removed from the Comprehensive Plan.

2.4. Continue to separate combined sewers, and explore underground storage and flow controls in flood prone
areas.

Questions/Comments from the Mayor: The projects separating storm and sanitary sewers have had little effect on the wet weather flows at the Binghamton Johnson City Joint Sewage Treatment Plant. There are two reasons for this. First, almost all the impervious roof drains on the buildings and houses in the city are connected to the combined sewer system. Separating the storm from the sanitary doesn't remove this flow from the combined sewers. Effectively you are only removing a fraction of the drainage area from the combined sewers. Connecting the roof drains to the new storm systems, if possible, would be cost prohibitive and would create a public relations nightmare. Secondly, based on the configuration and hydraulic characteristics of the City, the system will continue to deliver the maximum wet weather flow until such time as there is no more backup in the City sewer collection system.

Questions/Comments from City Council: How many credits has the City earned? Gary Holmes noted for the record that the Department of Public Works will need to meet with the consultants to discuss this recommendation further, and that this item may need to be amended.

**Response from consultants:** We met with Gary Holmes, Commissioner of Public Works, Phil Krey, City Engineer, and Edward Crumb, from the Binghamton-Johnson City Joint Sewage Board, and came to an agreement on what should be amended within this recommendation. The recommendation will be updated, sent to Mr. Holmes and Mr. Krey for review and approval, and then submitted to City Council and the Mayor along with the other recommendations included in the memo entitled "Proposed Amendments, Pending Council Approval".

**Determination:** Consultants will provide the amendment recommendation.

• 1.1. Implement the City's established priority projects in the County's 2013 Multi-Jurisdictional Hazard Mitigation Plan.

Questions/Comments from City Council: What FEMA/SEMA funding might be available for the implementation of the City's established priority projects regarding the Hazard Mitigation Plan? What resources might be available at Broome County? How many of the properties within Broome County's plan are located within the City of Binghamton? Confirm which department is supposed to be in charge of this effort. Have any of the planned sewer separations been completed?

1.3. Partner with Broome County in the New York Rising community reconstruction program planning efforts to ensure consistency across plans.



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Questions/Comments from the Mayor: The City has submitted several projects under the NY Rising program that will address drainage and flooding mostly in isolated areas or neighborhoods.

Questions/Comments from City Council: In what ways can the City partner with Broome County to implement this recommendation? Develop a fact sheet listing all areas of interest.

**Response from consultants:** The questions/comments from the Mayor and City Council require further research. If the recommendations do not need to be amended, the additional research can be included in an addendum and will be provided separately from the Comprehensive Plan. If recommendations do need to be amended, the revised recommendations will be provided in the updated memo entitled "Proposed Amendments, Pending Council Approval".

**Determination:** Additional research will be provided to the Mayor and City Council. The consultants will provide any amended recommendations, if necessary.

• 2.3. Integrate storm water management into parks, especially riverfront parks and trails.

Questions/Comments from City Council: Philip T. Krey noted that there are planting restrictions within fifteen (15) feet of a flood wall or levee. Research and amend recommendation accordingly.

**Response from consultants:** The amended recommendation has been provided in the memo entitled "Proposed Amendments, Pending Council Approval".

**Determination:** The amended recommendation has been provided.

### • 2.5. Incorporate trenchless rehab alternatives to reduce infiltration and inflow into sewers.

Questions/Comments from the Mayor: Discusses methods to reduce infiltration into the sanitary sewer systems. Several studies of the City's sewer system have proven that this is not cost effective and the success of an infiltration program including trenchless technology is very low. The trenchless technology replaces the main sewer lines but does not address the laterals to the building where there could be as mainly leaks as the main line. Replacing the laterals is cost prohibitive. Other attempts to reduce infiltration have proven to be ineffective for a system as old as the City's. Most cities in the United States have abandoned the inflow infiltration program and have gone with other programs. In many instances including the Binghamton Johnson City Sewage Treatment service area it has been determined that it is more cost effective to treat the wet weather flow at the plant rather than remove it from the collection system. Several municipalities have chosen methods such as best management practices to keep flow out of the system with green space techniques and large underground storage faculties to hold the a portion of the storm water and then pump it to the treatment plant during low flows. Syracuse is doing this now because they were not in compliance during wet weather. Currently the City of Binghamton is in compliance for the capture of wet weather flows at the combined sewer overflow (CSO) and the BJSTP will be incompliance with both dry weather and wet weather flows once the improvements are completed. Currently there is a flow management plan in place administered by the BJSTP Board. This plan has proven to be cumbersome to administer and has not been effective in reducing flows. It has also been a deterrent to development within the City.

Questions/Comments from City Council: Mr. Krey and Mr. Holmes noted for the record that the Binghamton-Johnson City Joint Sewage Treatment Plant is not required to reduce the infiltration and inflows (I/I) to the Plant. While the Plant does not want to increase combined I/I, it is not mandated by a consent order to reduce the I/I. The



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regarding the consent order inquiry.

sentence in this recommendation regarding the consent orders needs to be researched and revised accordingly. Mr. Holmes noted for the record that the Department of Public Works will need to meet with the consultants to discuss this recommendation further, and that this item may need to be amended. Additionally, Mr. Holmes noted for the record that separating combined sewers may not have an impact at the Plant. Who was involved in the focus group which developed this recommendation? Mr. Holmes noted that other communities have successfully reduced I/I in other ways. Council asked Mr. Holmes to provide a list of these municipalities. What does New York State require the City to do regarding I/I? How should the City balance the capacity of the Plant with requirements from New York State? How have other communities achieved this balance? City Clerk to contact Gary Holmes to obtain an answer

**Response from consultants:** We met with Gary Holmes, Commissioner of Public Works, to discuss this recommendation. An amended recommendation has been provided in the memo entitled "Proposed Amendments, Pending Council Approval". However, based upon the conversation with Mr. Holmes, the recommendation will need to be amended further. These new amendments will be provided to Mr. Holmes and Mr. Krey, and then will be distributed to City Council and the Mayor.

**Determination:** Consultants will provide the amendment recommendation.

**Chapter C, "Transportation".** The consultants outlined all recommendations within Chapter C which had been identified as items requiring review at a Joint Session. A summary of the original comments/questions from City Council, the Mayor, the Planning Commission and Broome County are noted below, along with a summary of the discussion and the straw poll voting record, noting whether or not the recommendation is to be included in or removed from the Comprehensive Plan.

### • 1.1. Develop citywide roadway infrastructure plan.

Questions/Comments from the Mayor: If council disagrees with the plan, they can stop funding. Funding must come first and priority of roads has to come from DPW Commissioner.

Questions/Comments from City Council: Amend recommendation to provide for formal adoption of the Complete Streets policy as part of City of Binghamton street repair/rehabilitation operations. Councilwoman Webb noted that the Citywide Transportation Infrastructure Plan must be vetted by City Council and the public. In what manner does this take place? Is Council required to pass legislation on an annual basis? Would it require a public hearing?

Response from consultants: This recommendation has been amended. Please review the memo entitled "Proposed Amendments, Pending Council Approval". This recommendation suggests that the Roadway Infrastructure Plan (RIP) prioritize the different kinds of actions the City must take to improve the streets, the dates and seasons for such improvements, and other aspects like street lighting. The RIP would be a robust long-term plan indicating what should be improved to what degree at what time. Part of the objective of the RIP is to make sure there is a clear set of procedures when the RIP needs to be updated. Changes in weather and conditions will affect the plan, and you'll need to take care of immediate needs. But the City needs a policy in place first, to allow for those changes. The RIP will also tell you where the biggest bang for your buck is, and how to ideally update the roads by tracking data. The Code of Ordinances states that the City Engineer selects the streets to be repaired or rebuilt; that structure will remain. However, this recommendation suggests that the City obtain and track more data to inform those decisions.

Straw Poll: Should the recommendation be amended to state "Expand and regularly update a citywide Roadway



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Infrastructure Plan"?

Council members in favor: Motsavage, Mihalko, Papastrat, Rennia, Webb

Council members opposed: None Council members absent: Matzo, Berg

Mayor: In favor.

**Determination:** The recommendation will be included in the Comprehensive Plan, as amended.

1.4. Reduce city costs by removing excessive infrastructure where possible.

Questions/Comments from the Mayor: It is not realistic to remove the railroad overpasses on Route 363.

Questions/Comments from City Council: What grant funds might be available to implement the recommendation regarding the removal of North Shore Drive? Council members request a modification to the recommendation, to clarify that NYSDOT must approve this plan. Councilwoman Webb noted that the TIGER grant program should be cited as possible resources for implementation.

Questions/Comments from the Planning Commission: Clarify that North Shore Drive is not a City asset. Amend to say that this project requires partnering with the DOT and BMTS. Add in the concept of North Shore Drive as a boulevard as an alternative.

Questions/Comments from New York State Department of Transportation (NYS DOT): The Vestal Parkway Ramps between PA Ave. and Conklin Ave. and North Shore Drive are both owned and operated by NY State, so their removal will not reduce costs for the City of Binghamton/In the event the city intends to pursue either of these ideas, a detailed traffic study and close coordination with NYSDOT Region 9 will be required to implementation to determine if these concepts are truly feasible.

**Response from consultants:** This recommendation applies mostly to major infrastructure in downtown Binghamton. All of the comments received suggested recognizing North Shore Drive as a NYS DOT road, and including them as an active partner in this plan. This recommendation was amended based upon comments received. Refer to memo entitled "Proposed Amendments, Pending Council Approval".

**Determination:** The amended recommendation has been provided.

• 4.5. Partner with Broome County and the Binghamton City School District on increasing the number of students who walk to school.

Questions/Comments from the Mayor: Partnering with BCSD to increase number of students walking to school contradicts with school policy that more walking students impacts truancy. Seek input from BCSD.

**Response from consultants:** The intent of this recommendation is to recognize the Broome County Safe Routes to School program by promoting safe and walkable routes to school, particularly for young people. The School District is a partner in this program. It's important not just for safety, but for health. From the feedback we've received, the recommendation should be amended, especially to note the issues with alternative means of transportation. We can work with Marion Martinez to amend the recommendation.

**Determination:** The consultants will meet with Marion Martinez to amend the recommendation. The amended



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version will be included in the memo entitled "Proposed Amendments, Pending Council Approval".

Chapter F, "Land Use/Zoning". The consultants outlined all recommendations within Chapter F which had been identified as items requiring review at a Joint Session. A summary of the original comments/questions from City Council, the Mayor, the Planning Commission and Broome County are noted below, along with a summary of the discussion and the straw poll voting record, noting whether or not the recommendation is to be included in or removed from the Comprehensive Plan.

1.8. Actively require that development projects further comprehensive plan goals and strategies.
 Questions/Comments from Planning Commission: Facilitate transparency in the development review process by creating a process map and updating webpage.

Questions/Comments from Broome County: This department is concerned that this recommendation could become cumbersome for project applicants. This department recommends that the Comprehensive Plan streamline this recommendation by requiring this assessment to be performed by the City Planning Department staff and/or specify whether all projects would be subject to this recommendation.

Response from consultants: This recommendation points to the belief that those who develop in the City should be familiar with the plan. It's not a big burden to ask them to make this assessment part of their plan. This is similar to work we did for Rochester, NY, where we had to prove that our work was in line with their Comprehensive Plan. Staff stated that this review is not currently part of the Department of Planning, Housing and Community Development's weekly pre-development meetings, but it could be. The existing plan doesn't tie into development projects, so there would be no point in doing the review now. Moving forward, with the new Comprehensive plan, staff could make it easier for people to identify which sections of the Code apply to development projects. Staff also mentioned that it would be useful to the Planning Commission if each developer presenting a project had a list of certain items from the Comprehensive Plan they had to address in the presentation. In other cities, the goals of Comprehensive Plans are broad, and developers are never asked to hit five of eight goals. We've never seen a scoring system. Instead, the cities ask the developers to tell them how their projects are in compliance with the plans. It's up to the developers to figure out how to fit those goals into their projects, and there's a lot of creative license. The conversation about the City's Comprehensive Plan should be initiated by the City, and should take place well before a plan is submitted or a public hearing.

**Straw Poll:** Should this recommendation be included in the Comprehensive Plan, amended to read "Actively encourage that development projects further comprehensive plan goals and strategies"?

Council members in favor: Motsavage, Mihalko, Papastrat, Rennia, Webb

Council members opposed: None Council members Absent: Matzo, Berg

Mayor: In favor.

**Determination:** The consultants will amend the recommendation. The amended version will be included in the memo entitled "Proposed Amendments, Pending Council Approval".

• 5.1. Adopt a civic design review process for large projects.

Questions/Comments from the Mayor: Remove. Civic design review = more regulation.



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dwelling units or 50,000 SF.

Response from consultants: There is a historic character here that is specific to Binghamton, and makes this City unique. We received comments from people about the need to protect Binghamton's old buildings, and to make sure new development reflects that character. The City currently has some level of design review for buildings in designated historic districts, but this does not cover new development. The review panel can also be made up different ways. Sometimes the review panel members are appointed by the Mayor. In some cases, the design review panel would take the place of Planning Commission review. We suggest that the Commission on Architecture and Urban Design (CAUD) could act as the review panel. Staff noted that CAUD has jurisdiction over historic districts, which covers most properties downtown, but not all of them. For example, the Twin River Commons development project is completely outside of the historic district. In addition, most design review panels are made up of a mix of developers, lawyers and others with professional expertise, so that they can make sure that what is asked of the developer is fair and achievable. This recommendation only applies to large-scale projects. Different cities have different standards about how "big" a project before the design review element is triggered. The City would have to determine that threshold. The thresholds in other municipalities tend to vary. Philadelphia, PA has two thresholds

**Determination:** The consultants will amend the recommendation to clarify that this design review panel will not establish a new board, streamline the process and emphasize the importance of the Planning Department's weekly pre-development meetings. The amended version will be included in the memo entitled "Proposed Amendments, Pending Council Approval".

which trigger design review: (1) if a development has 25 dwelling units or 25,000 SF, or (2) if a development has 50

### • 5.2. Develop reasonable landscape requirements for all zones.

Questions/Comments from the Mayor: How can a business owner quantify that certain beautification can help their business? For \$10,000 in landscaping, is that increasing business by that much? How long for ROI?

Questions/Comments from City Council: How is this recommendation different from the regulations that currently exist? What effects might this recommendation have on new small businesses? Are there any funding programs available to entities affected by this recommendation? Have other communities identified ways to provide financial support, such as a public-private partnership?

Response from consultants: The intent of this recommendation is to think about landscaping requirements from a zoning perspective. The City has some rules on the books with general guidelines for landscape requirements. It's pretty confusing to figure out what the requirements actually are, or when they apply. Your current requirements are only triggered if you build a parking lot. There are a lot of other kinds of development that have no landscaping requirement, and that adds to our current problem. We've heard comments that there are properties developed without landscaping, or a developer proceeds with a project assuming that the landscape requirements wouldn't apply. This recommendation would provide certainty for developers by providing clearly outlined regulations, defining when they can be waived, and clarifying how the regulations apply to each zoning district or development type. Additionally, we recommend investigating what the need is for landscaping requirements.

**Straw Poll:** Should this recommendation be included in the Comprehensive Plan, amended to state "Explore current landscape requirements and develop standards"?

Council members in favor: Berg, Motsavage, Mihalko, Papastrat, Rennia, Webb

Council members opposed: None Council members Absent: Matzo



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Mayor: In favor.

**Determination:** The consultants will amend the recommendation. The amended version will be included in the memo entitled "Proposed Amendments, Pending Council Approval".

### • 1.4. Phase out pyramidal zoning.

Questions/Comments from the Mayor: Define pyramidal zoning.

Questions/Comments from City Council: If we phase out pyramidal zoning, what would take its place? What's the biggest concern with the way the Zoning Code is written right now?

Response from consultants: Standard zoning practices state that if a location is in a residential zone, the development must adhere to residential zoning requirements. If a location is in a commercial zone, the development must adhere to commercial zoning requirements. The problem with Binghamton's zoning code is that everything at the top of the pyramid (less restrictive zoning districts) includes everything below (more restrictive zoning districts). You've got low density residential zoning on one end, and high density industrial use on the other end. In your current practice, the high end allows all low end uses. The result is that you will probably have to study and refine the allowed uses in all districts. To start this process, you could put all the uses and districts in a matrix, and decide what you want where. However, the problem is that the definition of a certain use may point to the definition of another use, with some eliminations. This recommendation would clarify the language, and at the same time the City could consider what is or isn't appropriate for different zones. This recommendation is more complicated that just "phasing out pyramidal zoning". It's incredibly confusing, and will take time to unpack this issue.

**Straw Poll:** Should this recommendation be included in the Comprehensive Plan, amended to state "Study current land uses and examine ways to simplify"?

Council members in favor: Berg, Motsavage, Mihalko, Papastrat, Rennia, Webb

Council members opposed: None Council members Absent: Matzo

Mayor: In favor.

**Determination:** The consultants will amend the recommendation. The amended version will be included in the memo entitled "Proposed Amendments, Pending Council Approval".

Introduction to Main/Court Street Corridor Form-Based Code. Kenneth J. Frank noted for the record that until this point, City Council, the Mayor and the Planning Commission have been reviewing the Comprehensive Plan, which is a road map for the City. It would require legislative action to implement the recommendations. The Form-Based Code is different. It's a proposal to amend the zoning code, and must be voted upon separately. There are different SEQR requirements for this item. City Council, the Mayor and the Planning Commission can listen to the presentation on the Form-Based Code and ask questions, but there will be no straw poll.

**Recess.** City officials collectively agreed to recess at 6:49pm for five minutes.

**Reconvene.** The Joint Session of Binghamton City Council and the Planning Commission was called to order at 6:54pm by Councilwoman Lea Webb, Chair of the City Council Planning and Community Development Committee.



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**Present:** Bill Berg, Councilman; Mark Bowers, Commission Member; Nicholas Corcoran, Commission Member; Domenic Emilio, Commission Member; Joseph Mihalko, Councilman; Jerry Motsavage, Councilman; Michelle O'Loughlin, Commission Member; Chris Papastrat, Councilman; Teri Rennia, Council President; Zachary Staff, Commission Member; Lea Webb, Councilwoman

**Absent:** Juliet Berling, Commission Member; John Chanecka, Commission Member; John Matzo, Councilman; Robert Pompi, Commission Member

Also Present: Nick Cecconi, Mobile Management of South Central NY; Carole Coppens, YWCA; Thomas Costello, Supervisor of Building Construction, Zoning & Code Enforcement; Edward Crumb, Binghamton-Johnson City Joint Sewage Board Member; Jim Cummings, Shumaker Consulting Engineers & Land Surveying, D. P.C.; Richard C. David, Mayor; Melissa Enoch, Sustainable Development Planner; Kenneth J. Frank, Corporation Counsel; Fiske Hanson, South Side Neighborhood Assembly; Debra Hogan, Neighbors Against Crime; Angela Holmes, City Clerk; Gary Holmes, Commissioner of Public Works; Jared Kraham, Executive Assistant to the Mayor; H. Peter L'Orange, Historical Preservation Planner; Marion Martinez, Superintendent of Schools; Tito Martinez, Planner; Leigh McCullen, Senior Planner; Robert Murphy, Director of Economic Development; Cyndi Paddick, Broome Metropolitan Transportation Study; Scott Page, Interface Studio; Nick Plavac; Scott Reigle, Broome Metropolitan Transportation Study; Betty Ryan, South Side Neighborhood Assembly; Colin Scarft, Code Studio; Jennie Skeadas-Sherry, Director of Planning, Housing and Community Development; Jennifer Taylor, Grants Administrator; Mindy Watts, Interface Studio

Main/Court Street Corridor Form-Based Code. Colin Scarft, of Code Studio, gave a presentation on the Main/Court Street Corridor Form-Based Code. He noted for the record that the term "Form-Based Code" is confusing, and clarified that the proposal is about building better zoning regulations. He presented a history of the City's current zoning regulations, and noted that the project area addressed by this proposal is Court Street and Main Street, from either end of the City boundary. However, the proposal specifically excludes downtown Binghamton, as it is already in good shape. Mr. Scarft stated that the proposal is the basic structure of a new zoning code, but he would need to meet with City staff in order to finalize the language. Mayor David suggested that the City set up an internal work group, made up of necessary department representatives and some representatives from City Council in order to flesh out a timeline and decide how to move forward with this legislation.

**Introduction of new staff.** Councilwoman Webb introduced Jennie Skeadas-Sherry, the new Director of Planning, Housing and Community Development.

**Adjournment.** Officials from the City of Binghamton collectively agreed to adjourn at 7:57pm.